

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 97009

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-204-97

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

For Filing Administrative
Regulations

For Emergency
Regulations Only

Effective Date _____

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Governor's Signature

State Environmental Commission

Classification [] Proposed [] Adopted By Agency [xx] Temporary [] Emergency []

Brief description of action: **Petition 97009 (LCB R-204-97)** permanently amends NAC 445B by establishing a new section to govern municipal solid waste landfills annual reporting of nonmethane organic compound emissions, the process for planning and installing air emission collection and control equipment. This regulation is based on 40 C.F.R. Parts 60.30(c) to 60.36(c) and amends NAC 445B.001 to 445B.395.

Authority citation other than 233B: NRS 445B.210 and 445B.300

Notice date: December 23, 1997, December 30, 1997, January 6, 1998

Hearing date: January 22, 1998

Date of Adoption of Agency: January 22, 1998

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 97009 (LCB R-204-97)**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445B. This regulation deals with air emissions from solid waste landfills.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 97009 (LCB R-204-97), was noticed three (3) times: December 23, 1997, December 30, 1997 and January 6, 1998 as a permanent regulation in the Las Vegas Review Journal and the Reno Gazette-Journal newspapers. A regulatory workshop was held on January 7, 1998. Those who attended includes the Washoe County Health District and Douglas County. The public was also mailed the public notice through the Environmental Commission's mailing list. The Division of Environmental Protection also did a direct mailing to affected public agencies and businesses. Workshop comments focused on when testing for air emissions from landfills would be required. At the hearing of January 22, 1998 of the Nevada Environmental Commission no public comments were received, either written or in testimony. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 extension 3117, or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

2. The number persons who:

- | | | |
|-----|---|----|
| (a) | Attended each hearing; | 38 |
| (b) | Testified at each hearing; | 25 |
| (c) | Submitted to the agency written comments: | 8 |

3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. See above statement for dates and locations of workshops and notices. No comments were received from affected businesses regarding the regulations at the regulatory hearing of January 22, 1998. No comments from businesses were received during the workshops or at the public hearing. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted by the State Environmental Commission without request for amendment at the January 22, 1998 hearing.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.

The proposed regulation will have a slight immediate, adverse economic effect in that each of the three municipal solid waste landfills affected will be required to perform one-time sampling at the landfills at a cost from \$ 10,000 to \$ 30,000. A long term, adverse effect will be the possible requirement to control emissions if the landfill reaches the regulatory threshold for required control. The cost to a landfill for planning and installing a control system would be approximately \$ 300,000, with the operating of control systems costing from \$ 10,000 to \$ 30,000 per year. The cost to the landfill for permitting would average approximately \$ 4,000 per year. There will be no immediate adverse or beneficial economic effect on the public. The long term adverse effect will likely be increased costs of landfill operations due to the control of emissions. The estimated cost by the agency will be minimal. Primarily, the reviewing of annual reports from the three landfills will cost about \$ 300 per year, with the annual cost of permitting from \$ 1,000 to \$ 2,000 per year.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There will be no increased cost to the Division of Environmental Protection for enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agencies which the proposed regulation overlaps or duplicates.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The proposed regulations are no more stringent than what is required by the federal Emission Guidelines in 40 C.F.R. Part 60.30c through 60.36.c.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

There will be no additional fees, nor will there be an increase in fees associated with this regulation.

ADOPTED REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

LCB File No. R204-97

EXPLANATION: Matter in *italics* is new language. Matter in [] is material to be omitted.

AUTHORITY: §1, NRS 445B.210 and 445B.300

Section 1. NAC 445B is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsections 2 and 3, a municipal solid waste landfill must:*

(a) Install a system designed to collect and control the emission of nonmethane organic compounds not later than 30 months after the date on which the rate of emission of nonmethane organic compounds by the municipal solid waste landfill is equal to or greater than 55.125 tons per year. The system designed to collect and control the emission of nonmethane organic compounds must meet the requirement set forth in 40 C.F.R. § 60.752(b)(2)(ii) and must have:

(1) A flare designed and operated pursuant to 40 C.F.R. § 60.18;

(2) An enclosed combustor designed and operated to reduce the concentration of nonmethane organic compounds at the outlet to no more than 20 parts per million as hexane by volume, dry basis at 3 percent oxygen; or

(3) A system of emission control designed and operated to reduce the emission of nonmethane organic compounds by 98 weight percent.

(b) Comply with the requirements set forth in 40 C.F.R. § 60.753, 40 C.F.R. § 60.755 and 40 C.F.R. § 60.756.

(c) Maintain records and submit reports pursuant to 40 C.F.R. § 60.757 and 40 C.F.R. § 60.758, as applicable, except as otherwise provided in 40 C.F.R. § 60.24.

2. *A municipal solid waste landfill is exempt from the provisions of subsection 1 if the municipal solid waste landfill is not and was not the site of construction, reconstruction or modification that commenced before May 30, 1991.*

3. *A municipal solid waste landfill is exempt from the provisions of paragraphs (a) and (b) of subsection 1 if the municipal solid waste landfill:*

(a) Did not accept waste on or after November 8, 1987, and has a design capacity that does not allow for a deposit of waste in the future;

(b) Has a design capacity less than 2.756 million tons if the design capacity is calculated in tons, less than 3.27 million cubic feet if the design capacity is calculated in cubic feet, or less than 2.756 million tons and 3.27 million cubic feet if the design capacity is calculated in both tons and cubic feet; or

(c) Has a rate of emission of nonmethane organic compounds that is less than 55.125 tons per year.

4. For the purposes of this section:

(a) The design capacity of a municipal solid waste landfill may be calculated solely in either tons or cubic feet. A conversion of density, if any, must be documented and included with the calculation of design capacity.

(b) The rate of emission of nonmethane organic compounds must be calculated pursuant to 40 C.F.R. § 60.754, as applicable.

5. As used in this section:

(a) "Design capacity" has the meaning ascribed to it in 40 C.F.R. § 60.751.

(b) "Enclosed combustor" has the meaning ascribed to it in 40 C.F.R. § 60.751.

(c) "Flare" has the meaning ascribed to it in 40 C.F.R. § 60.751.

(d) "Municipal solid waste landfill" has the meaning ascribed to it in 40 C.F.R. § 60.31c.

Sec. 2. Notwithstanding the provisions of paragraph (a) of subsection 1 of section 1 of this regulation, a municipal solid waste landfill is not required to install a system designed to collect and control the emission of nonmethane organic compounds earlier than 30 months after the effective date of this regulation.

End of LCB File No. R204-97